

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL DEAN PERRY §
v. § CIVIL ACTION NO. 6:07cv536
MAXEY CERLIANO, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

The Plaintiff Michael Dean Perry, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On May 13, 2008, Perry filed a motion for default judgment, but conceded that he did not know whether or not service of process had been effected. On June 2, 2008, the Magistrate Judge issued a Report recommending that the motion be denied, noting that the case was still in the screening process and that an order to answer had not yet been issued. Perry filed objections to the Magistrate Judge's Report on June 13, complaining that the Court has had ample time to screen his complaint and that process should already have been served. Court records show that the Defendants have now been served with process and that an evidentiary hearing is currently scheduled for July 29, 2008. Perry has failed to show that he is entitled to a default judgment and his objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this case, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for default judgment (docket no. 19) is DENIED.

So ORDERED and SIGNED this 7th day of July, 2008.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**